

INSTRUCTIONS

Read all instructions and forms before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

Filing Forms with the Court: Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to, if any. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

WHAT IS DEFAULT?

After you file a Petition and serve it on Respondent, the law gives Respondent a limited time to file a written response with the court. If Respondent fails to do so, you can ask the court to hold Respondent in “default”. Once the court “enters” default, Respondent has 10 days to respond. If Respondent fails to do so, the default goes into effect, and Respondent no longer has the chance to tell the court Respondent’s side of the story. (If you are asking for a money award, however, Respondent may still debate the *amount* of the award.)

Once the default goes into effect, the court will hold a default hearing. At the hearing, the judge will review the requests in your Petition and grant those that have merit by signing a Decree, Order, or Default Judgment, bringing your case to a close.

STEP 1: CHECK THAT RESPONDENT FAILED TO RESPOND

See the table below for how long Respondent has to respond. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. Respondent must respond by the last date you counted, unless it’s a weekend or court holiday, in which case Respondent must respond by the next workday. (Call the Clerk of Court at 928-779-6535 to make sure Respondent has not responded.)

How Were the Papers Served?	If the Papers Were Served In Arizona, Count:	If the Papers Were Served Outside of Arizona, Count:	After:
Acceptance of Service	20 days	30 days	Respondent signs the Acceptance of Service
Process Server	20 days	30 days	Respondent receives the papers from the process server
Sheriff or Tribal Law Enforcement	20 days	30 days	Respondent receives the papers from the officer
Certified Mail	20 days	30 days	Respondent signs the green card
Publication	30 days		30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be more days for Respondent to respond. An attorney can advise you.

STEP 2: FILL OUT THE APPLICATION FOR DEFAULT AND ENTRY OF DEFAULT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.
- (3) If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, check the box.
- (4) Enter Respondent's address if you know it. Enter Respondent's attorney's name and address if Respondent has an attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, enter Respondent's last known address.
- (5) Sign in front of a notary.

STEP 3: FILE THE FOLLOWING WITH THE COURT

[] Application for Default and Entry of Default

STEP 4: MAIL THE FORM TO RESPONDENT

Mail a copy of the form you filed to Respondent on the day you file it. If Respondent has an attorney, also mail it the attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, mail it to Respondent's last known address.

STEP 5: WAIT FOR RESPONDENT TO RESPOND

Respondent has 10 days from the date you filed the Application to file a written response with the court. Find the filing date stamped on your copy of the Application. Note that if you filed by mail, the filing date is not the date you mailed the documents; it is the date the court processed them and stamped on your copy. Find the filing date on a calendar. Starting on the next workday, count off 10 workdays -- do not count weekends and holidays. You may act on the next workday. (Call the Clerk of Court at 928-779-6535 to make sure Respondent did not respond.)

If Respondent DOES NOT file a response by the date required, proceed to **FILL OUT THE REQUEST FOR HEARING**, below.

If Respondent DOES file a response by the date required, see the Self-Help Center packet *Motion To Set a Case for Trial*.

STEP 6: FILL OUT THE REQUEST FOR A DEFAULT HEARING

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.
- (3) Date and sign.

STEP 7: FILL OUT THE ORDER SETTING A DEFAULT HEARING

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.

STEP 8: FILE THE FOLLOWING WITH THE COURT

- ☐ Request for a Default Hearing
- ☐ Order Setting a Default Hearing

STEP 9: THE COURT WILL MAIL YOU THE SIGNED ORDER WITH THE HEARING DATE FILLED IN

STEP 10: DELIVER THE FORM TO RESPONDENT

By three days before the hearing, mail or hand-deliver a copy of the signed Order Setting Hearing to Respondent if you know where Respondent lives. If Respondent has an attorney, deliver the copy to the attorney.

STEP 11: GO TO THE HEARING

Go to the hearing. Bring any witnesses and three copies of any evidence that may support your case. Bring a copy of *every document* you filled out or filed with the court in your case, including the Petition and the Decree, Order, or Judgment. Be prepared to testify about why you think your requests should be granted.

The judge will ask you a few simple questions, which may include the following.

1. If your fees were waived or deferred, can you pay them now? Why not?
2. Do you believe what you're asking for is fair? (custody, division of property, etc.)
3. In Divorce, Legal Separation, and Annulment Cases:
 - a. Had you or your spouse lived in Arizona, or had either of you been a member of the Armed Forces stationed in AZ, at least 90 days before the Petition was filed?
 - b. When and where were you married?
 - c. Is your marriage irretrievably broken? (This means: Is there any reasonable chance you can continue with the marriage?)
 - d. Are you aware of Conciliation Court? Do you think additional counseling could save your marriage?
 - e. Do you want your former name restored?

For general information about representing yourself in court, see the Self-Help Center packet *Representing Yourself in Court*.

STEP 12: DELIVER TO THE OTHER PARTY EACH FORM THE COURT SIGNS

If you don't know the other party's whereabouts and the other party doesn't have an attorney: Skip this step.

1. Mail or hand-deliver to the other party a copy of each form the court signs. If the other party has an attorney, deliver them to the attorney.
2. Fill Out the Affidavit of Delivery
 - (1) Enter your name; street address; city, state, and zip code; and phone number.
 - (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.
 - (3) Check the box indicating whether you are the Petitioner or the Respondent.
 - (4) Enter the date you delivered the forms the court signed to the other party. Enter the name of each form you delivered. Enter the address to which you mailed the forms.
 - (5) Check the box indicating whether you will mail or hand-deliver a copy of this document to the other party.
 - (6) Read the Affidavit and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.
3. File the Following with the Court
 - [] Affidavit of Delivery
4. Serve the Form on the Other Party

Mail or hand-deliver a copy of the form you filed to the other party on the day you file it. If the other party has an attorney, deliver it to the attorney.